PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of	Docket No: Q53164
Hisanori NAKAJIMA, et al.	
Appln. No.: 09/240,695	Group Art Unit: 2176
Confirmation No.: 7689	Examiner: Maikhanh Nguyen
Filed: February 2, 1999	

For: METHOD AND APPARATUS FOR PREVIEWING PRINT DATA AND RECORDING MEDIA THEREOF

REPLY BRIEF PURSUANT TO 37 C.F.R. § 41.41

MAIL STOP APPEAL BRIEF - PATENTS
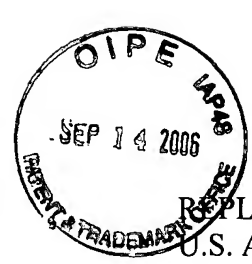Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.41, Appellant respectfully submits

this Reply Brief in response to the Examiner's Answer dated July 14, 2006. Entry of this Reply

Brief is respectfully requested.

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STATUS OF CLAIMS

Claims 1-17 stand rejected and are the basis of this Appeal.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

As set forth in the April 24, 2006 Appeal Brief:

A.   Claims 1-17 stand rejected under 35 U.S.C. § 103 (a), as allegedly being unpatentable in view of U.S. Patent No. 5,671,345 to Lhotak ("Lhotak") and JP 09-198217 to Tokiwa ("Tokiwa").

ARGUMENT

Appellant stands by the arguments presented in the April 24, 2006 Appeal Brief, as supplemented by Appellant's response, to the July 14, 2006, Examiner's Answer, provided below.

Response to Examiner Arguments

On page 13 of the Examiner's Answer, the Examiner again maintains that Tokiwa is combined with Lhotak to teach display data that contains template data. Similarly, Appellant again submits that one skilled in the art would not be motivated to modify Lhotak in view of the teachings of Tokiwa.

On page 5 of the Examiner's Answer, the Examiner maintains that Lhotak's low level intermediate object data discloses the claimed spooled print data, the high level object-oriented data discloses the claimed display data and the edited high level object-oriented data discloses the claimed edited display data. Since Lhotak fails to disclose that the edited high level object-oriented data is then inversely converted back to the low level intermediate object data, as recited in claim 1, the Examiner cites to the teachings of Tokiwa. However, as set forth in the April 24, 2006 Appeal Brief, Tokiwa is merely directed to color correction. Appellant submits that a teaching of converting color data back to its original form fails to provide proper suggestion to convert the high level object-oriented data of Lhotak back to the low level intermediate object data. Further, as support for the proposed modification of Lhotak, the Examiner maintains that it would have been obvious to include the feature of Tokiwa in Lhotak, "because it would have provided the capability for processing the low level device dependent information transmitted

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from the interpreter and reconstructs it into a high level object oriented data representation using

the information provided by the marking request." (emphasis added). However, Lhotak

specifically states that with low level data, the objects are no longer discernible and therefore

prohibit any subsequent object oriented enhancement steps (col. 1, line 66 to col. 2, line 8).

Thus, Lhotak teaches away from processing low level data. In addition, on page 5 of the

Examiner's Answer, the Examiner already maintains that the low level data discloses the claimed

spooled print data, however, the spooled print data of claim 1 is not edited. Rather, claim 1

recites that the "display data" is edited. Thus, the Examiner's motivation is not consistent with

the recitations of the claim.

On page 13 of the Examiner's Answer, the Examiner again maintains that the PDL

interpreter 14 of Tokiwa discloses the claimed template data, while on page 6, the Examiner

maintains that the RGB data of Tokiwa discloses the claimed edited display data and the CMYK

color data discloses the claimed spooled print data. Appellant submits that the Examiner's

allocation of Tokiwa's features is inconsistent with the recitations of claim 1. In particular,

claim 1 recites that the template data is contained in the display data. On the contrary, the PDL

interpreter 14 of Tokiwa resides in the printer 10 and is a device that transforms data formats.

Thus, the PDL interpreter 14 is not contained in the RGB data and therefore fails to teach or

suggest the claimed template data.

At least based on the foregoing, Appellant submits that claim 1 is patentable over the
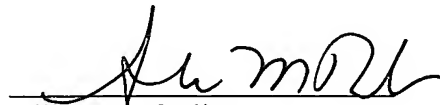
cited references.

Appellant submits that claims 3, 7, 10, 11, 13 and 17 are patentable for at least analogous reasons as claim 1, and claims 2, 4, 5, 6, 8, 9, 12, 14, 15 and 16 are patentable at least by virtue of their dependency.

In further regard to claim 11, the Examiner refers to paragraph [0038] of Tokiwa as disclosing that an added object is detected (pg. 13 of Examiner's Answer). In paragraph [0038], Tokiwa discloses that when content of a color correction is input, the color is changed. Appellant submits that "inputting" a need for a color change fails to disclose than an object was added. For at least this additional reason, Appellant submits that claim 11 is patentable over the cited references.

CONCLUSION

For the above reasons as well as the reasons set forth in Appeal Brief, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,

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